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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,297	12/20/2000	Ram Kudukoli	5150-52300	6997

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EXAMINER	
SAX, STEVEN PAUL	
ART UNIT	**PAPER NUMBER**
2174	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,297	KUDUKOLI ET AL.	
	Examiner	Art Unit	
	Steven P Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-33,36-47,50-59,62-65,68-76 and 79-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-33,36-47,50-59,62-65,68-76 and 79-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. This application has been examined. The amendment 1/10/05 have been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 5-33, 36-47, 50-59, 62-65, 68-76, 79-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volk et al (5673401) and Morgabelli et al (6425120) and Poirier et al (6321372).

4. Regarding claim 1, Volk et al show the method for modifying a graphical program including executing a graphical program (Figure 1, 16A-B for example, column 5 lines 40-55), the program receiving functionality information and modifying the graphical program to implement the specified functionality (column 5 lines 30-45, column 6 lines 9-17 and 35-60, column 10 lines 15-38). Volk et al do not specifically show the underlying program generation per se, but do mention effectively modifying and storing the changes without the user being involved in the inner processing of the software (column 10 lines 8-28, Figures 5-6, column 22 lines 10-50). Furthermore, Morganelli et

al show the program generation program aspect, with underlying code programming for effectively modifying and storing the changes without the user being involved in the inner processing of the software (Figure 9, 11, 14A, column 8 lines 40-60, column 22 lines 16-40). It would have been obvious to a person with ordinary skill in the art to have this in Volk et al, because it would be a convenient way to effectively modifying and storing the changes without the user being involved in the inner processing of the software. Morganelli et al accomplish this via a flow diagram comprising interconnected nodes that visually indicate functionality (Figure 9 for example). Neither Volk et al nor Morganelli et al specifically describe that the modifying is done without any user input specifying the modification during the actual modification per se, but Volk et al for example do mention modifying without the user being involved in the inner processing of the software. Furthermore, Poirier et al do show programmatically modifying a program without user specification of the modification during the actual modification (Figures 4, 6, 12, 14, column 9 lines 30-65, column 12 lines 50-65, column 18 lines 30-60) so that the user need not be involved with the inner processing of the software. It would have been obvious to a person with ordinary skill in the art to have this in the system suggested by Volk et al and Morganelli et al, because it would allow a convenient way to modify the program without the user needing to be involved in the inner processing of the software.

5. Regarding claim 2, the functionality is changed as shown above. The obviousness to program this is as explained above.

6. Regarding claim 3, the programming in Morganelli et al is done without user input (column 6 lines 5-25).

7. Regarding claim 5, the interconnections may be changed (Volk et al column 23 lines 1-20). The obviousness to combine is the same as above.

8. Regarding claim 6, the interconnected nodes are in a block diagram (Volk et al column 23 lines 1-20).

9. Regarding claim 7, the user interface is modified (aforecited in Volk et al).

10. Regarding claim 8, Volk et al show the virtual tool (Figure 5).

11. Regarding claim 9, the program is a graphical program (aforecited Volk et al).

12. Regarding claim 10, the graphical program implements the new functionality (Volk et al column 22 lines 10-32).

13. Regarding claims 11-12, the programming in Morganelli et al adds and removes graphical source code (column 6 lines 5-35). This is inherent in creating the graphical program and the obviousness is the same as above.

14. Regarding claim 13, a computational process is modified (Volk et al column 24 lines 20-42).

15. Regarding claim 14, an algorithm is modified (Volk et al column 24 lines 20-42, column 23 lines 10-35).

16. Regarding claim 15, a prototype is modified (Volk et al column 24 lines 20-42).

17. Regarding claim 16, a test sequence is modified (Volk et al column 29 lines 30-62).

18. Claim 17 shows the same features as above and is rejected for the same reasons.

19. Regarding claim 18, a plurality of modifications are possible depending on the received information (Volk et al column 22 lines 10-32).

20. Regarding claim 19, an API is called to enable the modifications (Volk et al column 22 lines 45-58).

21. Regarding claim 20, the graphical program requests over a network to modify the program (Volk et al column 8 lines 25-50). Morganelli et al show a server program (column 5 lines 30-40) as an effective way to modify a program over a network. It would have been obvious to a person with ordinary skill in the art to have this in Volk et al, because it would be an effective way to modify a program over a network.

22. Regarding claim 21, the program in Morganelli et al is an application instance of the programming environment (column 6 lines 30-45).

23. Regarding claim 22, the client server arrangement is such that an API is present at the client in Morganelli et al. The obviousness is the same as in paragraph 22 of this Office Action.

24. Regarding claim 23, the client and server are in separate, connected computers (inherent in the network).

25. Regarding claim 24, the functionality is performed during execution (Volk et al column 10 lines 8-28, Figures 5-6, column 22 lines 10-50).

26. Regarding claim 25, Morganelli et al shows that the graphical program is created prior to receiving the information and modifying (column 6 lines 5-35). The obviousness

follows the same as above, which is to minimize the need for the user to know the inner workings of the software.

27. Regarding claim 26, an association is maintained between the graphical program and the received information (Volk et al column 10 lines 8-19).

28. Regarding claim 27, the association allows the program to determine the program=s current state (Volk et al column 10 lines 8-28).

29. Regarding claim 28, the program has a lock feature disabling modification (Volk et al column 25 lines 10-40).

30. Claims 29 and 30 show the same features as claim 1 and are rejected for the same reasons.

31. Claims 31-34, 36-43 show the same features as claims 2, 7, 10, 3, 5, 6, 7, 11, 25, 28, and 26 respectively and are rejected for the same reasons.

32. Claims 44-46 show the same features as claim 1 and are rejected for the same reasons.

33. Claims 47-48, 50-55 show the same features as claims 2, 3, 5, 6, 7,10-12 respectively and are rejected for the same reasons.

34. Claims 56-60, 62-64 show the same features as claims 46, 47, 48, 50, 51, 52 respectively and are rejected for the same reasons.

35. Claims 65–66, 68-72 show the same features as claims 46-4748-52 and are rejected for the same reasons.

36. Claims 73-77, 79-81 show the same features as claims 1, 10, 2, 11, 3, 5, 6, and 7 respectively and are rejected for the same reasons.

37. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note also that the graphical programs are shown as discussed above. Applicant's representative is invited to contact Examiner Sax to continue claim discussion.

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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